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Message Text

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44
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FM SECSTATE WASHDC
TO AMCONSUL MAZATLAN IMMEDIATE
INFO AMEMBASSY MEXICO CITY PRIORITY

UNCLAS STATE 301554

E.O. 11652: N/A

TAGS: CASC, MX (SMITH, RICHARD IRVING)

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO:
RICHARD IRVING SMITH

REFERENCE: MAZATLAN'S 0296

1. IN PENDING REVIEW CABLES, REQUEST POST PROVIDE MORE INFORMATION CONCERNING GENERAL ALLEGATIONS OF PRISONERS, I.E ALLEGATIONS OF TORTURE/ABUSE AT TIME OF ARREST; DENIAL OF CONSULAR ACCESS; CONSULAR VISITATIONS; CONFISCATION OF PERSONAL PROPERTY; PROLONGED PRE-TRIAL DETENTION; EXTORTION BY ATTORNEY; WORK COMMISSION; ETC.

2. TO ANALYZE THE REVIEW MEANINGFULLY, WE MUST HAVE SOME INPUT ON THESE SUBJECTS EITHER POSITIVELY OR NEGATIVELY. MANY OF THE CASES DO NOT MENTION WHETHER PRISONER HAS LEGAL COUNSEL. IN CASE OF RICHARD IRVING SMITH (MAZATLAN 0296) IT IS INDICATED THAT HE WAS SENTENCED TO FOUR YEARS AND THREE MONTHS AND FINE OF DOLLARS 320, BUT SENTENCE WAS APPEALED NOVEMBER 27, 1974 REPEAT 1974 TO HIGHER COURT IN HERMOSILLO. NO RESPONSE TO APPEAL AS YET. NOT CLEAR

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WHETHER PRISONER HAS APPEALED OR FEDERAL DISTRICT ATTORNEY.

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HOWEVER, SEEMS UNLIKELY THAT SMITH WOULD REMAIN IN PRISON OVER ONE YEAR FOR SAKE OF ATTEMPTING REDUCE FINE OF DOLLARS 320. SIMILAR SITUATION EXISTS CASE OF JAMES RICHARD HASBURGH (MAZATLAN 293 - LESS THAN FIVE YEAR SENTENCE AND PESO 5,000, APPROXIMATELY DOLLARS 620, FINE); ALTHOUGH MESSAGE CLEAR THAT PRISONER HAS APPEALED, NOT FEDERAL DISTRICT ATTORNEY.

3. DETAILED REVIEW, TOUCHING ON MAIN SUBJECT-HEADINGS MENTIONED ABOVE, WILL GREATLY ASSIST DEPARTMENT IN COMPLETING ANALYTICAL/STATISTICAL REPORTING REQUIRED IN THIS EXERCISE FOR COMMITTEE HEARINGS. KISSINGER

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